

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
Implementation of Section 621(a)(1) of)	
the Cable Communications Policy Act of 1984)	MB Docket
No. 05-311	
as amended by the Cable Television Consumer)	
Protection and Competition Act of 1992)	

COMMENTS OF King County, Washington

These Comments are filed by King County, Washington representing the areas of King County not a city or town, which are known as “unincorporated” areas and in support of the comments filed by the National Association of Telecommunications Officers and Advisors (“NATOA”) and the Washington Association of Telecommunications Officers and Advisors (“WATOA”). Like NATOA and WATOA, King County strongly supports the role of local government, in issuing video franchises to both incumbents and new entrants. It is our belief that the role of local government in franchise negotiations does not present a barrier to entry nor does the time needed to complete a negotiation hinder the process. The role of local government in King County has proven to be highly beneficial to our cable television subscribers. Major benefits have included subscribers receiving Public, Education and Government (PEG) channels, video programming, and construction of an Institutional Network (I-NET) that provides voice, video or data to 280 schools, libraries or fire stations.

Cable Franchising in Unincorporated King County

King County is located in the State of Washington with land reaching from the rural Cascade Mountains to the urban metropolis of Seattle. Those areas not incorporated into a city or a town are covered by two franchises: one with Comcast Corporation (Comcast) and the other with Millennium

Digital Media Services (Millennium). The 2005 unincorporated population of 364,000 represents twenty percent of the total population of King County, which ranks as the fourteenth largest county in the United States. Unincorporated King County has 86,300 cable television subscribers with a penetration rate of approximately seventy percent.

Current Franchises and Franchise Benefits

Comcast serves approximately 84,300 cable subscribers. The current franchise with Comcast is for 15 years and will expire in 2010. In 2005, King County completed negotiating a five-year extension for Comcast. While this process took more than a year, the process allowed both the company and King County to reevaluate their needs (King County representing cable television subscribers) and consider the best use of available resources. The result was a change to the cable franchise agreement, in part returning channel capacity to Comcast. By turning back unused Public, Education & Government (PEG) channel capacity to Comcast, the county was able to receive a capital grant which was used for the greater benefit of the County's Institutional Network (I-NET). This careful renegotiation benefited both the County and Comcast. This benefit was publicly acknowledged by Comcast.

Millennium serves 2,000 cable subscribers residing in the outlying rural areas of King County. The current ten-year franchise for Millennium will expire in 2009. While Millennium is considered a small system by the Federal Communications Commission, it offers the same range of services as Comcast and overall has a better result in providing customer service. Through a careful renegotiation in 1999, not only did Millennium agree to upgrade its system to 750 MHz but they also built 6 rural I-NET sites, which proved critical to the completion of the I-NET service loop. The close examination of the company's ability to provide these services, done mainly because the County was familiar with Millennium and its operations and abilities to provide service identifies another benefit of a local franchising.

The Franchising Process and Franchise Benefits

Length of franchise approval has not been complained about by either Comcast or Millennium. When the approval process took longer than the statutory three years, it was by agreement of both parties and took the cable operator business needs into consideration. For example, Comcast was initially a group of TCI franchises and Millennium was also a transferred franchise, formerly known as Summit Communications.

Customer Service

Local franchise offices are required under the King County franchises. This local contact provides for easy resolution of consumer issues. Moreover, when the King County Office of Cable Communications receives a consumer complaint it is resolved with the local cable professionals who we know.

By eliminating the role of local government, this direct benefit to King County cable television customers will be lost. For the rates customers are charged, they expect to have timely customer service. This would be almost an impossible task under a national franchising model.

Conclusion

The local cable franchising process in place has worked effectively for unincorporated King County and its cable television subscribers. The process has allowed us to take the appropriate amount of time to identify the needs and interests of our community and ensure that these needs are sufficiently met.

The process in King County is proof that local jurisdictions and the cable company or any other applicant can work co-operatively while never losing sight of the most important elements of franchising; delivery of technologically updated services and customer service.

Local franchises allow each community to have a direct voice in how a local cable system will be implemented and what features it will have. The negotiations conducted by and for King County have resulted in great benefits: i.e. I-NET and PEG programming, tailor-made for our community. A national franchise model or one-size-fits-all could never have this result.

King County respectfully requests that the Commission do nothing to interfere with local governments' authority over franchising. Keep the process local, we owe direct representation to our cable television customers who make the existence of a cable television system even possible.

Respectfully submitted,

David Martinez
King County Chief Information Officer